

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jimmy Carroll Warren and Joann Warren,)	
)	CIVIL ACTION No.:
Plaintiffs,)	
)	
vs.)	
)	COMPLAINT
United States Postal Service and)	(Jury Trial Demanded)
Lakeisha Jackson,)	
)	
Defendants.)	
_____)	

Plaintiffs Jimmy Carroll Warren and Joann Warren, complaining of the above-named Defendants, hereby allege the following:

1. Plaintiff, Jimmy Warren is a citizen and resident of the County of Darlington, State of South Carolina.
2. Plaintiff, Joann Warren is a citizen and resident of the County of Darlington, State of South Carolina.
3. Defendant United States Postal Service (USPS) is a governmental agency organized and existing under the laws of the United States and doing business as a postal office in Darlington County, South Carolina.
4. This action is brought pursuant to the Federal Tort Claims Act, 20 U.S.C. § 2674.
5. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331.
6. Plaintiffs have fully complied with the claims procedure as outlined in 28 U.S.C. § 2675, and this claim is timely filed.
7. Upon information and belief, Defendant Lakeisha Jackson is a citizen and resident of the County of Darlington, State of South Carolina, and at all times hereinafter mentioned, was the

driver and owner of a 2005 Chevrolet sedan and was actively engaged in the act of delivering mail on February 12, 2019.

8. At all times alleged herein, upon information and belief, Defendant Lakeisha Jackson, was operating withing the course and scope of her employment as a rural mail carrier for the USPS.

9. At all times alleged herein, upon information and belief, Defendant Lakeisha Jackson was using her personal vehicle for the benefit of delivering mail for the USPS.

10. This action arises from a motor vehicle collision that occurred on or about February 12, 2019.

11. On February 12, 2019, Plaintiff Jimmy Warren was the operator of a vehicle, traveling eastbound on Potato House Road near Darlington, South Carolina.

12. Lakeisha Jackson was stopped on the right shoulder of Potato House Road, in the act of delivering mail for the USPS.

13. Plaintiff Jimmy Warren attempted to pass Lakeisha Jackson's stopped vehicle and Lakeisha Jackson executed a left turn in-front of Plaintiff's vehicle, causing Plaintiff Jimmy Warren's vehicle to collide with Ms. Jackson's vehicle.

14. Plaintiffs did not cause or contribute to the collision in any manner, and further she had no ability to avoid or prevent the collision.

15. As a result of this collision, Plaintiff Jimmy Warren suffered personal and traumatic injuries, including injuries to his ribs, shoulder, neck, and head. As a result of these injuries, Plaintiff has incurred, and will continue to incur in the future, medical expenses, and has suffered and will continue to suffer in the future, physical and mental pain and suffering, emotional anguish, and loss of enjoyment of life.

16. As a result of this collision, Plaintiff Joann Warren suffered personal and traumatic injuries, including injuries to her chest and chest wall. As a result of these injuries, Plaintiff has incurred, and will continue to incur in the future, medical expenses, and has suffered and will continue to suffer in the future, physical and mental pain and suffering, emotional anguish, and loss of enjoyment of life.

FIRST CAUSE OF ACTION
(Negligence- Lakeisha Jackson)

17. Plaintiffs incorporate by reference the above allegations as if they were repeated herein.

18. Defendant Jackson, who upon information and belief was operating a personal vehicle within the course and scope of her employment as a mail carrier, owed the public and the Plaintiffs a duty to operate her vehicle in a safe manner, with reasonable care, and in accordance with traffic safety laws of South Carolina.

19. Defendant Jackson violated her duties to the Plaintiffs by operating her vehicle in a manner that was negligent, negligent *per se*, careless, reckless, willful and wanton in one or more of the following ways:

- a. In causing the subject vehicle to collide with the Plaintiffs' vehicle;
- b. In failing to keep a proper look out, to observe the road and traffic conditions and/or to monitor the movement of traffic around her and respond accordingly;
- c. In failing to maintain proper control over the vehicle;
- d. In operating his vehicle without using due care and without regard for the safety and rights of the public using the highway and the Plaintiffs in particular;
- e. In operating his vehicle in a negligent, grossly negligent, careless, reckless, willful, wanton and unlawful manner as to create a dangerous situation and render an accident inevitable, in utter disregard of the laws of the State of South Carolina;

- f. In failing to exercise that degree of care which a reasonable and prudent person would have exercised under the same or similar circumstances;
- g. In operating the said motor vehicle in whole or in part in a careless, reckless, willful, and wanton disregard for others;
- h. In failing to obey the statutory and common laws of the State of South Carolina;
- i. In otherwise being negligent or reckless as a matter of law as further discovery may reveal.

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiff.

20. Plaintiffs are entitled to a judgment against the Defendant Jackson to compensate them for the damages and injuries sustained in an amount to be determined by a jury.

21. Plaintiffs are entitled to an award of punitive damages to the extent Defendant Jackson's conduct was in violation of statutory laws or reckless, willful, or wanton.

SECOND CAUSE OF ACTION
(Negligence- United States Postal Service)

22. At all times herein, Defendant Jackson was operating the Chevrolet Sedan as an agent and/or employee of the USPS, and was acting with the course and scope of her agency or employment.

23. The USPS, through its driver Defendant Jackson, owed a duty to Plaintiffs to operate the vehicle safely, with reasonable care, and in accord with traffic safety laws of South Carolina.

24. Defendant USPS owed the public and the Plaintiffs a duty to properly train, equip, supervise and/or monitor, Defendant Jackson's operation of a vehicle while carrying out her duties as a postal carrier.

25. Defendant USPS, through its driver Defendant Jackson, was negligent, willful, wanton, and reckless and breached the duties it owed to Plaintiff in the following ways:

- a. In all the negligent actions by Defendant Jackson, as an agent of the USPS, as outlined in Paragraph 19, Sections (a) through (i) of this Complaint;
- b. In failing to properly train and supervise mail carriers;
- c. In failing to properly maintain vehicles equipped with postal delivery abilities;
- d. In failing to ensure rural delivery vehicles are properly labeled and all warning signs on vehicles are properly displayed;
- e. In otherwise being negligent or reckless as a matter of law as further discovery may reveal.

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiffs.

26. Plaintiffs are entitled to a judgment against the Defendant USPS to compensate them for the damages and injuries sustained in an amount to be determined by a jury.

27. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff prays this Honorable Court for judgment against the Defendants for: (a) actual and consequential damages; (b) punitive damages; (c) pre-judgment interest; (d) costs and attorney's fees in instituting this action; and (e) for such other and further legal and equitable relief as this Honorable Court may deem just and proper.

[Signature Page to Follow]

Respectfully submitted,

By: s/Jacob L. Godwin
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February 11, 2022
Hartsville, South Carolina